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14 Attorneys for The Roman Catholic Archbishop of San Francisco

15 UNITED STATES BANKRUPTCY COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

17 In re

18 THE ROMAN CATHOLIC ARCHBISHOP  
19 OF SAN FRANCISCO,

20 Debtor and  
Debtor in Possession.

Case No. 23-30564

Chapter 11

**DECLARATION OF AMANDA L.  
COTTRELL IN SUPPORT OF DEBTOR'S  
OPPOSITION TO THE OFFICIAL  
COMMITTEE OF UNSECURED  
CREDITORS' MOTION FOR AN ORDER  
AUTHORIZING DISCLOSURE OF  
INDEPENDENT REVIEW BOARD  
MINUTES AND AGGREGATED CLAIMS  
DATA**

Judge: Hon. Dennis Montali  
Date: March 13, 2025  
Time: 1:30 p.m.  
Place: In-Person Hearing:  
Courtroom 17  
450 Golden Gate Avenue, 16th Floor  
San Francisco, CA

1 I Amanda Cottrell, declare as follows:

2 1. I am a partner of the law firm Sheppard, Mullin, Richter & Hampton LLP (“Sheppard  
3 Mullin”). I am an attorney licensed to practice law in all Courts of the State of Texas, and I was  
4 admitted *pro hac vice* by this Court in the above-captioned matter. I am also recently admitted to  
5 practice law in California, Bar Number 360215. Sheppard Mullin is co-counsel of record for The  
6 Roman Catholic Archbishop of San Francisco (“RCASF” or the “Debtor”).

7 2. The matters stated herein are true and correct and are within my personal knowledge  
8 or information provided to me by other attorneys or employees of Sheppard Mullin, and if called  
9 upon to testify as a witness, I could and would testify competently thereto.

10 3. This declaration is made in support of the *Debtor’s Opposition to the Official*  
11 *Committee of Unsecured Creditors’ Motion for an Order Authorizing Disclosure of Aggregated*  
12 *Claims Data* (the “Motion”). I give capitalized terms not defined here the same meaning given to  
13 them in the Opposition to the Motion.

14 4. Attached to this declaration as Exhibit 1 are true and correct copies of excerpts from  
15 the transcript of the first Section 341 meeting, on September 28, 2023, in the above-captioned  
16 matter.

17 5. Attached to this declaration as Exhibit 2 are true and correct copies of excerpts from  
18 the transcript of the continued Section 341 meeting, on October 12, 2023, in the above-captioned  
19 matter.

20 6. As co-counsel for the Debtor, I participated in and worked with attorneys at Sheppard  
21 Mullin with respect to the Committee’s discovery requests, including meeting and conferring with  
22 the Committee in response to the Committee’s Rule 2004 document subpoena requests. By  
23 February 2024, I was engaging in discussions with Committee counsel regarding potential  
24 production of IRB minutes, including meetings to discuss the scope of redactions and feasible  
25 timelines for production. The IRB minutes were part of “Stage Two” of the Committee’s Rule 2004  
26 document subpoena requests, specifically Request for Production No. 39. These negotiations  
27 continued through spring 2024, with the Committee raising IRB production during discovery calls.


1 For example, on May 15, 2024, the Committee's email correspondence to me listed multiple  
2 categories of requested documents, including "Files regarding alleged abuse regardless of the name  
3 appearing on a proof of claim (including IRB minutes)" and "Documents related to past treatment  
4 of abuse claims." By mid-June 2024, the parties had reached agreement on a framework for  
5 production of redacted IRB materials.

6 7. The parties reached agreement that the Debtor would produce certain IRB  
7 documents, which would be designated as Confidential under the Protective Order, and based on  
8 that confidentiality protection, the Debtor would make very limited redactions. Accordingly, on  
9 July 10, 2024, the Debtor produced 1,261 pages of documents (Bate stamped DEBTOR\_072669  
10 through DEBTOR\_073929) that were designated as Confidential under the Protective Order. This  
11 Bates range represents the entire IRB production in this case. Each of the binders produced is  
12 preceded by a detailed Privilege Log, which is also marked as Confidential. The Motion omits the  
13 first privilege log in the production (72669 and begins at 72680 with the first production document).  
14 The Motion also ignores that certain redactions were applied to withhold attorney-client  
15 communication.

16 8. Attached to this Declaration as Exhibit 3 is a true and correct copy of excerpts from  
17 the July 18, 2023 Hearing Transcript on the Motion for An Order Authorizing and Approving  
18 Special Notice and Confidentiality Procedures and Motion to Set Bar Date, before the Honorable  
19 William J. Lafferty, in the United States Bankruptcy Court for the Northern District of California –  
20 Oakland Division, in the Chapter 11 matter of *In re: The Roman Catholic Bishop of Oakland*,  
21 Debtor, Case No. 4:23-BK-40523.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct.

24 Executed on this 27th day of February 2025, at Dallas, Texas.

25   
26 \_\_\_\_\_  
27 Amanda L. Cottrell  
28

# EXHIBIT 1

# CERTIFIED TRANSCRIPT

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**ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO  
MEETING OF CREDITORS  
SEPTEMBER 28, 2023**

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**Court Reporting • Video**

**CEDRIC:** --listen-only mode during today's Q&A session. If you'd like to ask a questions, please press star, then one. And I'd like to turn today's (inaudible) to your host, Mr. Jason Blumberg. Thank you, you may begin.

**BLUMBERG:** Good morning. This is the first meeting of creditors for the Roman Catholic Archbishop of San Francisco. That's case number 23-30564. This case was filed on August 21, 2023. Today's date is September 28, 2023. It's approximately 10:14 a.m. My name is Jason Blumberg. I'm a Trial Attorney with the Office of the United States Trustee.

This meeting is required under Section 341(A) of the Bankruptcy Code. The purpose of the meeting is to allow for an examination of the debtor under oath. Questions may include but are not limited to why the case was filed, the operation of the business, and the prospects for the organization. I will initially question the debtor the some degree. Creditors will also have an opportunity to examine the debtor.

As a reminder, the meeting is being digitally recorded. Please remember that the recorder cannot see who you are or your head nodding so please identify yourself when asking a question and please remember to give verbal responses, which can be picked up by the recorder. The recorder works best when only one person is speaking at a time so please allow for questions to be completed before answering and please wait for answers to be completed before asking follow-up questions. Whenever you are not speaking, please mute your line to prevent background noise. We keep the recording for two years after case closure. If anyone would like to obtain a duplicate of today's proceeding or a transcript, the arrangements are made to the Office of the United States Trustee.

Before we proceed with the 341 meeting, I'm going to take a few minutes to explain what this meeting is and how it will proceed. As I mentioned, this meeting is being conducted under Section 341 of the United States Bankruptcy Code in conjunction with the bankruptcy case currently pending before the United States Bankruptcy Court in the Northern District of California. As such, it is expected that every participant will conduct themselves in a manner appropriate for a legal proceeding.

Preliminarily, the statutory purpose of the meeting is to allow creditors the opportunity to ask questions of the debtor under oath. If you don't have any questions for the debtor's representatives, you may stay on the line and listen, but you also may drop off the call at any time.

The representatives of the debtor are Archbishop Cordileone, Father Patrick Summerhays, and Joseph Passarello. By court order, Father Summerhays has been designated as the debtor's responsible individual in this case. Mr. Passarello is the debtor's senior financial director. He signed the debtor's schedules and statements.

1 This meeting is an opportunity for creditors to ask questions about the debtor's  
2 general financial affairs. If you have concerns about your specific claim or  
3 situation, this is not the appropriate time to express those concerns. This is a legal  
4 proceeding with the debtor's representatives testifying under oath about the debtor's  
5 financial affairs.

6 To ensure there's enough time for everyone to ask questions, please keep questions  
7 concise and avoid asking repeat questions. While I understand that many people's  
8 claims arose under very troubling and painful circumstances, this is not the place to  
9 address specific claims. To the extent you need additional information about the  
10 debtor this bankruptcy case, you should visit the courts electronic docket or the  
11 debtor's claims agent website on the Agent Solutions.

12 Information on the claims agent website is available to you free of charge and will  
13 updated as additional information becomes available. The website address is  
14 <https://omniagentsolution.com/rcasf>. You should also carefully review any filings  
15 or notices you receive to preserve your rights.

16 The examination today will be conducted as if it were in court. This means that only  
17 representatives will answer any questions. If a represented does--representative,  
18 excuse me, does not know the answer, then the answer will simply be, "I don't  
19 know." If the, excuse me, if the purpose of the meeting is being frustrated by  
20 anyone's conduct, then I'll stop the meeting.

21 Of note the following rules need to be followed. First, the same question should not  
22 be asked repeated times, even by different people. It is, therefore, important that  
23 you listen to each question and each answer and not ask the same question again.  
24 Second, only one person may ask questions of the representatives at one time.  
25 Third, questions can only be asked of the representatives. It's not appropriate to  
26 speak to anyone other than the debtor's representatives. Fourth, if the  
27 representatives do not know the answer to a question, please do not ask the question  
28 again, including by asking it in a different way. Fifth, the person asking the question  
29 should not be combative or engage in personal attacks.

30 Now that the purpose and rules of the meeting have been established, the order of  
31 this meeting will be as follows. I will take the appearance of the debtor and counsel  
32 for the Official Committee of Unsecured Creditors. I will, then, permit the rep--  
33 excuse me, I will then put the representatives of the debtor under oath. I will, then,  
34 permit the debtor's counsel and the archbishop to make an opening statement. A  
35 statement is not mandatory. I will, then, permit counsel for the official committee of  
36 unsecured creditors committee, excuse me, counsel for the official committee of  
37 unsecured creditors to make its own opening statement if it chooses. After that, I  
38 will ask questions of the debtor's representatives. Please listen carefully to all my

questions. If I've already asked a question, you don't need to repeat the question. After I conclude my questions, I will invite members of the creditors committee to ask questions. I will invite counsel for the creditors committee to ask questions if they have any.

And then after that, I will open the line for any other creditor to ask a question during a group question-and-answer period. Please do not indicate that you wish to ask a question until I announce that the question-and-answer portion of the meeting has commenced. Once I announce the general question-and-answer period, that is has started, so to speak, if you do wish to ask a question, you must provide your full name, with spelling, prior to speaking. Please note, if you do not identify yourself, I may have to ask the operator to mute your line.

The operator, Cedric, is there anything specific that creditors need to do during the question-and-answer period to indicate that they wish to ask questions?

**CEDRIC:** Yes, that would be star one.

**BLUMBERG:** Star one. So when we get to the question-and-answer period, if you do wish to ask a question, you'll hit star one on your phone. We'll repeat that instruction at that time but just keep that in mind.

So if everyone cooperates and there are no repeat questions, this call may be able to be concluded today. However, we will not require the representatives to provide testimony today for more than four hours. If the meeting is not concluded at the four-hour mark, we will discontinue the meeting, and I will decide whether we will schedule a continued meeting of creditors in the future for additional questioning. The notice of the new date and time will be on the website Seth Worth, on the claims agent website, which, again, is <https://omniagentsolutions.com/rcasf>. It will also be on the case docket for this case.

Okay, and so with that out of the way, will the debtor's attorney please make his appearance for the record?

**PASCUZZI:** Good morning, Mr. Blumberg. This is Paul Pascuzzi, Felderstein Fitzgerald Willoughby Pascuzzi & Rios for the debtor.

**BLUMBERG:** Good morning, Mr. Pascuzzi. And will counsel for the creditors committee please make their appearances?

**STANG:** Good morning. James Stang, S-t-a-n-g, Pachulski Stang Ziehl & Jones, counsel for the creditors committee, subject to appointment, pursuant to an employment application that will be filed shortly.

**BLUMBERG:** And is there anyone else, Mr. Stang, from your office making an appearance today?



1 **STANG:** No.

2 **BLUMBERG:** Okay.

3 **STANG:** There are attorneys from my office who are listening in today, but I don't expect  
4 that they will be making any statements on the record.

5 **BLUMBERG:** Thank you. Archbishop Cordileone, are you on the line, sir?

6 **CORDILEONE:** Yes, I am.

7 **BLUMBERG:** Good morning.

8 **CORDILEONE:** Good morning.

9 **BLUMBERG:** Would you please raise your right hand and let me know when you're  
10 doing that.

11 **CORDILEONE:** Yes, I am.

12 **BLUMBERG:** Do you swear or affirm that you will tell the truth, the whole truth, and  
13 only the truth?

14 **CORDILEONE:** I do.

15 **BLUMBERG:** Do you understand that you are testifying under penalty of perjury?

16 **CORDILEONE:** I do.

17 **BLUMBERG:** Is there any reason why you can't give your best testimony today?

18 **CORDILEONE:** No.

19 **BLUMBERG:** Thank you. I will note for the record that prior to the meeting I received a  
20 copy of the archbishop's driver's license, which appears to be in order. Archbishop.  
21 to the best of your knowledge, was that a true and correct copy of your driver's  
22 license?

23 **CORDILEONE:** Yes.

24 **BLUMBERG:** And, Mr. Pascuzzi, can you confirm that this is, in fact, the Archbishop,  
25 the representative of your client on the line?

26 **PASCUZZI:** Yes.

27 **BLUMBERG:** Thank you. Father Patrick Summerhays, are you on the line, sir?

28 **SUMMER:** I am.

29 **BLUMBERG:** Good morning.

1 **SUMMER:** Good morning.

2 **BLUMBERG:** Would you please raise your right hand and let me know when you're  
3 doing that?

4 **SUMMER:** Yeah, I'm doing that.

5 **BLUMBERG:** Do you swear or affirm that you will tell the truth, the whole truth, and  
6 only the truth?

7 **SUMMERHAYS:** Yes.

8 **BLUMBERG:** Do you understand that you are testifying under penalty of perjury?

9 **SUMMERHAYS:** Yes.

10 **BLUMBERG:** Is there any reason why you can't give your best testimony today?

11 **SUMMERHAYS:** No.

12 **BLUMBERG:** I will note for the record that prior to meeting I received a copy of Father  
13 Summerhays' driver's license, and it appears to be in order. Father Summerhays, to  
14 the best of your knowledge, was that a true and correct copy of your driver's  
15 license?

16 **SUMMERHAYS:** Yes, it is

17 **BLUMBERG:** And, Mr. Pascuzzi, can you confirm for the record that you recognize Mr.  
18 Summerhays as the representative of your client?

19 **PASCUZZI:** Yes, Father Summerhays is sitting right next to me. I recognize him.

20 **BLUMBERG:** Thank you. And, Father Summerhays, would you please state your full  
21 name for the record?

22 **SUMMER:** My full name is Patrick John Summerhays.

23 **BLUMBERG:** And what is your position as it relates to the debtor?

24 **SUMMER:** I am the Vicar General and Moderator of the Curia for the Archdiocese of San  
25 Francisco.

26 **BLUMBERG:** Thank you. And, Mr. Joseph Passarello, are you on the line, sir?

27 **PASSARELLO:** Yes, I am.

28 **BLUMBERG:** Good morning, sir. Would you please raise your right hand and let me  
29 know when you're doing that?

30 **PASSARELLO:** I am doing that.

1 pending in the joint coordinator proceeding in Alameda County. There were two  
2 cases set for trial on August 23. Mediation efforts prior to trial were unsuccessful.  
3 Based on the information available now, these AB 218 claims are historical claims.  
4 The dates of alleged abuse range from the 1950s to approximately 2008. Nearly half  
5 involve clergy members who were previously accused in the last reopening of the  
6 statute of limitations in 2003 and/or were clergy members that are long since  
7 deceased.

8 We say that because it's important to the Archbishop and the debtor that this abuse  
9 stops and that the procedures are in place to ensure that it doesn't happen again. The  
10 archdiocese is and has been, prior to the bankruptcy filing, committed to ensuring  
11 the safety of all children. For over 20 years the archdiocese's policies have gone  
12 above and beyond the requirements of--and recommendations of the U.S.  
13 Conference of Catholic Bishops Charter to protect children from abuse and to  
14 provide healing for those who have been harmed, including providing resources,  
15 both monetary and nonmonetary, for survivors. Through education and awareness,  
16 continuous improvement of policies, proactive measures to prevent abuse, and  
17 accountability efforts, the archdiocese has demonstrated its commitment to the  
18 safety of all those who are part of the community, especially children.

19 And while no amount of money can adequately compensate survivors for the harms  
20 they've suffered, the archdiocese and its insurers have paid more than \$70 million  
21 over the past 20 years to survivors, either directly or by funding group settlement  
22 funds, to fulfill its responsibility for the abuse by diocesan clergy. At this time,  
23 however, the archdiocese has determined that it has neither the financial means nor  
24 the practical ability to litigate the multitude of abuse claims on multiple timelines  
25 while still serving the Catholic community. So to ensure the archdiocese fulfills  
26 both its foundational and morale obligations to the survivors, the faithful, and others  
27 who have put their trust in the archdiocese, it made the difficult decision to  
28 commence this bankruptcy case.

29 A large number of these diocesan Chapter 11 cases have allowed religious  
30 institutions and non-profit organizations who are debtors to emerge from Chapter  
31 11 with a plan acceptable to survivors, to address and compensate both monetarily  
32 and nonmonetary survivors, while continuing to serve their respective constituents.  
33 The archdiocese desires a similar outcome in this bankruptcy case and is and will  
34 continue to be working diligently toward that end.

35 Thank you.

36 **BLUMBERG:** All right, thank you, Mr. Pascuzzi. Mr. Stang, would you like to make a  
37 statement on behalf of the committee?

**STANG:** Thank you. Archbishop Cordileone, my name is Jim Stang. I'm a principal of the law firm Pachulski Stang Ziehl & Jones that the committee selected to serve as bankruptcy counsel.

Has U.S. Trustee alluded, committee is made up of adults who were sexually abused as children by people for whom the archdiocese is responsible. Neither the committee members nor any of the constituents in the committee wanted the archdiocese to file bankruptcy. It was done without consultation with the constituency or the state court lawyers representing those people. And committee members feel that taking their cases away from the California state court system and bringing them in to a federal bankruptcy court is a fundamental violation of their rights to be heard before a jury. So we will perform our duties as outlined by the bankruptcy code and as required by the court in this reorganization, but this is not something that the survivors wanted.

Archbishop, the committee understands recently that you're out of town, out of the country, but it is disappointed that you don't have enough time in your schedule today to hear from them, to hear their questions, and to respond to their questions. We appreciate that you will be making time soon to do just that in what we hope is a continued first meeting of creditors.

And while Father Summerhays was designated as the responsible individual for the debtor, and he is testifying today and he is available for the entire meeting, that was done before the committee was appointed, it was done without consultation to the state co-counsel, who have cases pe--who had cases pending in the civil court, and there certainly was no opportunity to be heard before Judge Montali. And my point, Archbishop, about Father Summerhays, and it's no criticism of Father Summerhays, he and I have not gotten to know each other yet, but Cali--the Archdiocese of San Francisco, is a corporation sole. And to put it in real layperson's terms, Archbishop, you're the guy.

I have represented close to tw--20 sexual abuse committees in different Chapter 11 cases, and I have learned over the course of the 20 years that I have done that that there will be a settlement in this case if you want there to be a settlement in this case and a more personal involvement is essential to any progress in the case and the accomplishment of the goal of protection of children.

So it is not the intention of the committee to ask Father Summerhays any questions or, and I'm--I'm sorry if I'm mispronouncing his name, Mr. Passarelli [sic], and, of course, you're--you're moving out to another meeting, but we look forward to the opportunity to do it when you're available.

I wasn't intending to say anything about the particulars of your statements because, of course, I didn't know what you were going to say, but there are two things that I

1 want to know. You talked about the Church setting a standard for child protection,  
2 this archdiocese is the only archdiocese in the State of California, I'm sorry, diocese  
3 in the State of California that has not published a list of credibly accused priests. It  
4 has published a list of priests in good standing, but it has not done what every other  
5 archdiocese has done. And that will be the subject of questions when we get to meet  
6 again.

7 The second thing that I wanted to know, and this is where I'll le--I'll stop, is Mr.  
8 Pascuzzi, who I know from our involvement into Diocese of Stockton and who I  
9 have very high regard for from our professional relationship over the many years,  
10 said that the archdiocese and its insurers have spent \$70 million in settlements over  
11 the course of some years. A question that I'll be asking at the next meeting is how  
12 much was spent in legal defense funds and how much was spent on therapy  
13 provided by the archdiocese for survivors.

14 So, Mr. Blumberg, I appreciate the opportunity to make the statement and to  
15 highlight at least those two points that I noted from the statements that Mr. Pascuzzi  
16 and Archbishop Cordileone made. And the committee will per--attend this meeting,  
17 we intend to listen very carefully to the testimony, but we will not be asking any  
18 questions.

19 **BLUMBERG:** All right.

20 **STANG:** Thank you.

21 **BLUMBERG:** Thank you, Mr. Stang. I thank you for your statement on behalf of the  
22 committee. So now I'm going to switch over to really what I would regard as very  
23 bankruptcy-specific, case-specific schedules and statement-specific questions. And,  
24 for that, my questions will now turn to Father Summerhays and, in particular, Mr.  
25 Passarello.

26 So, Mr. Passarello, you attended the initial debtor interview at--with my office, is  
27 that correct, sir?

28 **PASSARELLO:** Yes. Yes.

29 **BLUMBERG:** I--I would--

30 **PASSARELLO:** It was a call in.

31 **BLUMBERG:** It was a call in, that's correct. I--I will just note for the record that there are  
32 a number of documents that my office requested that the debtor is still trying to  
33 obtain. I would request that, unless an earlier date has been provided by the  
34 bankruptcy analysts for the United States Trustee, that all those documents be  
35 provided to my office by no later than October 6.

I hereby certify that the foregoing is a true and correct transcription of the audiotape labeled 9-28-23 JB Recording.

10-4-23

Date

Brittany Baynes

Printed Name

Brittany Baynes

Signature

# EXHIBIT 2

# CERTIFIED TRANSCRIPT

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## MEETING OF CREDITORS FOR THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO

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**DATE: OCTOBER 12, 2023**



**Court Reporting • Video**



**BLUMBERG:** All right. So, this is the continued meeting of creditors for the Roman Catholic Archbishop of San Francisco. That's Case No. 23-30564. This case filed on August 21, 2023. Today's date is October 12, 2023. It's approximately 9:05 a.m. My name is Jason Blumberg. I'm a trial attorney with the Office of the United States Trustee. This meeting is required under §341(a) of the Bankruptcy Code. The purpose of the meeting is to allow for an examination of the debtor, under oath. Questions may include, but are not limited to why the case was filed, the operation of the business, and the prospects for reorganization. I will initially question the debtor. Creditors will also have the opportunity to examine the debtor.

As a reminder, this meeting is being digitally recorded. Please remember that the recorder cannot see who you are or your head nodding, so identify yourself when asking a question, and please remember to give verbal responses which can be picked up by the recorder. The recorder works best when only one person is speaking at a time, so please allow for questions to be completed before answering, and wait for answers to be completed before asking follow-up questions. Whenever you are not speaking, please mute your line to prevent background noise. We keep the recording for two years after case closure. If anyone would like to obtain a duplicate of today's proceeding or a transcript, the arrangements are made through the Office of the United States Trustee.

Now, before we proceed with the continued 341 meeting, I'm going to take a few minutes to explain what this meeting is and how it will proceed. As I mentioned, this meeting is being conducted under §341 of the United States Bankruptcy Code in conjunction with the bankruptcy case currently pending before the United States Bankruptcy Court in the Northern District of California. As such, it is expected that every participant will conduct themselves in a manner appropriate for a legal proceeding. Preliminarily, the statutory purpose of the meeting is to provide creditors with the opportunity to examine the debtor under oath. If you do not have any questions for the debtor's representatives, you may stay on the line and listen. You may drop off the call at any time, though. The representatives of the debtor are Archbishop Cordileone, Father Patrick Summerhays, and Joseph Passarello. By court order, Father Summerhays has been designated as the debtor's responsible individual in this case. Mr. Passarello is the debtor's senior financial director. He signed the debtor's schedules and statements.

The meeting is an opportunity for creditors to ask questions about the debtor's general financial affairs. If you have concerns about your specific claim or situation, this is the not the appropriate time to express those concerns. This is a legal proceeding, with the debtor's representatives testifying under oath about the debtor's financial affairs. To ensure that there is enough time for everyone to ask questions, please keep questions concise and avoid asking repeat questions. While I understand that many people's claims arose under very troubling and painful

1 circumstances, this is not the place to address specific claims. To the extent you  
2 need additional information about the debtor of this bankruptcy case, you should  
3 visit the court's electronic docket or the debtor's claim's agent website. Information  
4 on the claim's agent website is available to you free of charge and will be updated  
5 as additional information becomes available. The website address is  
6 <https://omniagentsolutions.com/rcasf>. You should also carefully review any filings  
7 or notices you receive to preserve your rights.

8 The examination today will be conducted as if it were in court. This means that  
9 only the representatives will answer questions. If a representative does not know  
10 the answer, then the answer will simply be, "I don't know." If the purpose of the  
11 meeting is being frustrated by anyone's conduct, then I may stop the meeting. Of  
12 note, the following rules should be followed and need to be followed today. First,  
13 the same question should not be asked repeated times even by different people. It  
14 is, therefore, important that you listen to each question and each answer and not ask  
15 the same question again. Second, only one persons may ask questions of the  
16 representatives at a time. Third, questions can only be asked of the representatives.  
17 It is not appropriate to speak to anyone other than the representatives. Fourth, if the  
18 representatives do not know the answer to a question, please do not ask the  
19 question again, including by asking it in a different way. Fifth, the person asking  
20 the question should not be combative or engage in personal attacks.

21 Now that the purpose and the rules of the meeting have been established, the order  
22 of the meeting will be as follows. I will appearance of counsel for the debtor and  
23 counsel for the Official Committee of Unsecured Creditors. I will then put the  
24 representatives of the debtor under oath. I will then permit the debtor's counsel and  
25 the Archbishop to make an opening statement, if they so choose. A statement is not  
26 mandatory. I then may ask questions of the debtor's representatives. Please listen  
27 to all my questions, if I ask any. If I've already asked a question, you don't need to  
28 repeat the question. After I conclude my questions, I will ask members of the  
29 Creditor's Committee if they wish to ask questions. After that period concludes, I  
30 will ask all creditors, any creditors, if they wish to ask questions, and then finally, I  
31 will ask if counsel for the Creditor's Committee wishes to ask any questions. So,  
32 please don't indicate that you wish to ask a question until I announce that the  
33 question and answer session has begun. Once I announce that that general question  
34 and answer period has started, if you do wish to ask a question, you must provide  
35 your full name, with spelling, prior to speaking. Please note, if you don't identify  
36 yourself, I will ask the operator to mute your line. Sandy is the operator. I believe  
37 when we get to that section, what you would do is you would press \*1, but we'll  
38 come back to that as we proceed.

39 If everyone cooperates and there are no repeat questions, this call may be able to be  
40 concluded today. I anticipate that it will be concluded today because this is a

1 continued meeting. However, we will not require the representatives to provide  
2 testimony for more than three hours. If the meeting is not concluded at the three-  
3 hour mark, we will discontinue the meeting, and I will decide whether I will  
4 schedule a continued meeting of creditors in the future for additional questioning.  
5 As I noted though, because this is the continued meeting, it is unlikely that this  
6 meeting will be continued. But if the meeting is continued, the notice of the new  
7 date and time will be on the website set forth on the claim's agent website, which  
8 again, is <https://omniagentsolutions.com/rcasf>, also on the court docket for this  
9 case.

10 All right. Could I ask the debtor's attorney to please make his appearance for the  
11 record?

12 **PASCUZZI:** Good morning, Mr. Blumberg. This is Paul Pascuzzi, bankruptcy counsel for the  
13 debtor the Roman Catholic Archbishop of San Francisco, and also here is Paul  
14 Gaspari, special litigation counsel approved by the court from Weintraub Tobin.

15 **BLUMBERG:** Good morning. May I ask counsel for the Official Committee of  
16 Unsecured Creditors to make his appearance as well?

17 **STANG:** Good morning. James Stang S-T-A-N-G, Pachulski, Stang, Ziehl & Jones, counsel  
18 to Official Creditors Committee.

19 **BLUMBERG:** Good morning. Father Patrick Summerhays, are you on the line, sir?

20 **SUMMERHAYS:** Yes, I am.

21 **BLUMBERG:** Good morning to you.

22 **SUMMERHAYS:** Good morning.

23 **BLUMBERG:** Would you please raise your right hand and let me know when you're  
24 doing that?

25 **SUMMERHAYS:** I am doing that.

26 **BLUMBERG:** Do you swear or affirm that you will tell the truth, the whole truth, and  
27 only the truth?

28 **SUMMERHAYS:** I do.

29 **BLUMBERG:** Do you understand that you are testifying under penalty of perjury?

30 **SUMMERHAYS:** I do.

31 **BLUMBERG:** Is there reason why you can't give your best testimony today?

32 **SUMMERHAYS:** No.

- 1 **BLUMBERG:** And would you mind just stating your full name for the record?
- 2 **SUMMERHAYS:** My full name is Patrick John Summerhays.
- 3 **BLUMBERG:** And you are the same Father Summerhays who signed the petition in this  
4 case, correct, sir?
- 5 **SUMMERHAYS:** That is correct.
- 6 **BLUMBERG:** Mr. Passarello, are you there sir?
- 7 **PASSARELLO:** Yes, I am.
- 8 **BLUMBERG:** Would you please raise your right hand and let me know when you are  
9 doing that, sir?
- 10 **PASSARELLO:** I am doing that.
- 11 **BLUMBERG:** Do you swear or affirm that you will tell the truth, the whole truth, and  
12 only the truth?
- 13 **PASSARELLO:** Yes, I do.
- 14 **BLUMBERG:** Do you understand that you are testifying under penalty of perjury?
- 15 **PASSARELLO:** Yes, I do.
- 16 **BLUMBERG:** Is there any reason why you can't give your best testimony today?
- 17 **PASSARELLO:** No, there is not.
- 18 **BLUMBERG:** And would you please state your full name for the record?
- 19 **PASSARELLO:** Joseph James Passarello, Jr.
- 20 **BLUMBERG:** And sir, are you the same Mr. Passarello that signed the schedules and  
21 statements in this case?
- 22 **PASSARELLO:** Yes, I am.
- 23 **BLUMBERG:** Thank you. Archbishop Cordileone, are you there, sir?
- 24 **CORDILEONE:** Yes, I am.
- 25 **BLUMBERG:** Would you please raise your right hand and let me know when you are  
26 doing that?
- 27 **CORDILEONE:** I'm doing that.
- 28 **BLUMBERG:** Do you swear or affirm that you will tell the truth, the whole truth, and  
29 only the truth?

- 1 **CORDILEONE:** I do.
- 2 **BLUMBERG:** Do you understand that you are testifying under penalty of perjury?
- 3 **CORDILEONE:** I do.
- 4 **BLUMBERG:** Is there any reason why you can't give your best testimony today?
- 5 **CORDILEONE:** No, there is not.
- 6 **BLUMBERG:** And sir, would you please state your full name for the record?
- 7 **CORDILEONE:** Salvatore Joseph Cordileone.
- 8 **BLUMBERG:** Thank you. Mr. Pascuzzi, all the debtor's representatives are in the same  
9 room with you, sir?
- 10 **PASCUZZI:** That's correct.
- 11 **BLUMBERG:** Okay. So, I would ask that when someone asks a question to the debtor's  
12 representatives, that they ask -- rather answer the questions based on their own  
13 knowledge, and if they are going to seek guidance or some kind of reference from  
14 another source, that they clearly disclose that for the record. So, that means that  
15 there shouldn't be any notes being passed back and forth unless that's noted for the  
16 record.
- 17 Mr. Pascuzzi, would you like to make an opening statement today, sir?
- 18 **PASCUZZI:** No, but the Archbishop would.
- 19 **BLUMBERG:** Okay. Archbishop, would you like to make an opening statement, sir?
- 20 **CORDILEONE:** Yes, I would.
- 21 **BLUMBERG:** Okay. Please go ahead, sir.
- 22 **CORDILEONE:** Thank you. And thank you for arranging a time to speak with me at  
23 greater length. I wish to repeat that I am in full agreement with Pope Francis who  
24 has called the sexual abuse of a minor monstrous, noting that even one such case  
25 perpetrated by a member of the clergy would be abhorrent. In hearing the harm and  
26 confusion these acts of abuse have caused in the lives of innocent children and their  
27 families, the stories of abuse survivors are stories of stolen innocence. Having sat  
28 with victims and listened to their stories, I'm always moved and deeply saddened.  
29 These acts have no place in any society, and especially within a church where there  
30 should be a greater sense of security and compassion. Pope Francis has exhorted all  
31 his brother Bishops to shoulder the weight of these past sins. I pray every day for  
32 continued healing for all survivors in hopes that they find the peace they deserve.  
33 Around the time I was appointed as Bishop, the issue of clergy sexual abuse became

1 a national story. The revelation of these abominable acts within the church over  
2 previous decades had a lasting impact on how I approach the responsibility of being  
3 first a Bishop and now an Archbishop. I have striven to maintain an unwavering  
4 commitment to fighting sexual abuse of minors and helping the church atone for the  
5 sins of the past perpetrated by her ministers.

6 At the heart of our outreach to abuse survivors, is creating a welcoming  
7 environment and providing compassion and assistance, which includes a variety of  
8 counseling, spiritual direction and other healing services. I have appointed three  
9 diligent and serious people who spend all their time at the Archdiocese on  
10 managing different aspects of our safe environment department. These  
11 professionals engage in regular education, background screening and fingerprinting  
12 of employees and volunteers who work with minors. The Archdiocese of San  
13 Francisco has, in fact, established policies and protocols to protect children and  
14 address and reports incidents of sexual abuse of minors even before the U.S.  
15 bishops adopted the Charter for the Protection of Children and Young People in  
16 2002.

17 Our reporting process is straightforward. Cases of abuse in which the alleged  
18 abuser and the abuse survivor are of the same household are reported to Child  
19 Protective Services. Allegations of abuse of minors by clerics, church employees or  
20 volunteers are first reported to civil authorities and then to the Archdiocesan Victim  
21 Assistance coordinator. Every allegation is treated seriously, and immediate steps  
22 are taken to protect the rights of both the alleged abuse survivor and the alleged  
23 abuser. We have taken exhaustive steps to satisfy the Charter by immediately  
24 keeping out of active ministry any minister accused of sex abuse of a minor while  
25 an investigation or canonical trial is pending. And we would remove permanently  
26 from ministry any priest for which the stutable evidence abuse has been determined.

27 We require criminal background checks for clergy employees and volunteers who  
28 work with youth, and we implement educational programs for both children and  
29 adults to prevent abuse. We maintain an Independent Review Board, which we  
30 refer to as the IRB, as an essential step in internal procedures or handling  
31 allegations of sexual abuse. A qualified investigator conducts investigations into  
32 allegations and submits a report to the IRB whose members include an abuse  
33 survivor, psychologist, two physicians, and a retired police officer. These are  
34 experts in their respective fields with unique experiences that I do not possess, so I  
35 heavily rely on their expertise. They make recommendations as to whether there is  
36 sufficient evidence to warrant a canonical trial or if, on the other hand, an  
37 accusation is manifestly unfounded. Their recommendations are indispensable to  
38 me in helping to determine the best course of action, including when injustice we  
39 should remediate damage to the reputation of a priest who has been wrongly  
40 accused. I have always followed their guidance.



1 The Archdiocese also has an Office of Child and Youth Protection to maintain the  
2 highest standards for its Preventative Safe Environment Program and address  
3 allegations of past and current abuse by any clergy, employee, or volunteer. We  
4 employee safe environment coordinators to monitor compliance with the Charter.  
5 In addition, a victim assistance coordinator maintains a hotline for reporting abuse,  
6 provides counseling, and offers other supportive services. The office is also  
7 responsible for coordinating the fingerprinting of employees, volunteers, and clerics  
8 who interact with children, as well as facilitating annual compliance audits  
9 conducted by independent auditors to review the implementation of policies and  
10 procedures for the protection of children.

11 As I indicated previously, I am grateful to my predecessors and other leaders in the  
12 Archdiocese who have worked hard to put effective educational and preventative  
13 measures in place, as I am encouraged by the fact that occurrences of abuse within  
14 the Catholic church are now very rare. I believe the church has set the standard  
15 today for other organizations showing what can and should be done to protect our  
16 children.

17 After listening carefully to the opening remarks of the Committee's attorney in last  
18 month's call, I want people listening to know that filing for Chapter 11 bankruptcy  
19 was not our first choice. We work very hard to settle cases, just as we successfully  
20 did in 2003. We started, as we did in 2003, by looking at settling small groups of  
21 cases. But with more than 500 cases, and the skyrocketing financial demands made  
22 by several plaintiff attorneys, we realized that it was financially impossible to settle  
23 cases. Without the financial means to meet the demands that were being placed  
24 upon us, we were left with no choice but to file for Chapter 11, and we signaled to  
25 the attorneys in advance that we were strongly considering a Chapter 11 filing. We  
26 realize that the bankruptcy process does not provide abuse survivors with the  
27 opportunity to tell their stories as they would be able to in a trial setting. I  
28 recognize that this is an important part of the healing process, as I have sat and  
29 listened to the powerful stories shared by abuse survivors, including those survivors  
30 who serve us so well on our Independent Review Board. I know first hand the  
31 courage and resilience shown by these individuals in the face of so much suffering.  
32 While we recognize that financial remuneration alone will not compensate for all  
33 the suffering caused, we do believe the Chapter 11 bankruptcy process is the best  
34 solution for providing timely, fair, and equitable compensation to the innocent  
35 abuse survivors who have been harmed. The process is transparent and under the  
36 supervision of bankruptcy court. It brings all parties to the table, including our  
37 insurance carriers, and works to resolve difficult claims collectively, rather than one  
38 at a time. It eliminates a scenarios where the first few cases that are resolved extend  
39 all available resources to pay claims leaving nothing for survivors whose cases are  
40 resolved later. The Chapter 11 process also allows the Archdiocese to reorganize,

1 to continue its vital ministries to the faithful and to the communities that rely on its  
2 services and charity. We will work to emerge from Chapter 11 as quickly as  
3 possible to provide a faster, more equitable resolution for abuse survivors, provide  
4 them with fair compensation and, hopefully, some level of closure and peace.  
5 Thank you.

6 **BLUMBERG:** Thank you, Archbishop. This is Jason Blumberg again from the United  
7 States Trustee's office. Next, at this point, we are going to turn to the question and  
8 answer period, and this first question and answer period will be directed or  
9 permitted or will be directed again at members of the Official Committee of  
10 Unsecured Creditors. Sandy, the operator on the line, can you please give  
11 instructions about how the committee members will indicate that they wish to ask  
12 questions?

13 **SANDY:** Yes. If they'd like to ask a question, please unmute your phones, record your name  
14 clearly when prompted, and your name is required to introduce your question. You  
15 will need to press \*1 to do this.

16 **BLUMBERG:** And I would also ask that, in addition to that, when your line is opened up,  
17 that you state your name again for the record and that you spell it, just so that we  
18 have a good record in the event that there's a transcript.

19 **SANDY:** Just one moment, please. The person that just asked to speak for the \*1, I'm going  
20 to remove your selection, and please come back, but this time unmute your phone  
21 and record your name, please. Once again, if you'd like to ask a question, please  
22 press \*1, unmute your phone and record your name. All right. Our first question  
23 comes from Margie O'Driscoll. [phonetic] You may go ahead, ma'am.

24 **O'DRISCOLL:** Thank you. Archbishop, I'm Margie O'Driscoll, and I serve as the co-chair  
25 of the survivor's committee.

26 **BLUMBERG:** Ms. O'Driscoll, I'm sorry to interrupt you. Could I just ask you to spell  
27 your name for the record just so we have it? I apologize.

28 **O'DRISCOLL:** Yes. My legal name is Margaret M-A-R-G-A-R-E-T, and my last name  
29 O'Driscoll O-D-R-I-S-C-O-L-L.

30 **BLUMBERG:** Thank you. Please go ahead.

31 **O'DRISCOLL:** Archbishop, I'm Margie O'Driscoll, and I serve as co-chair of the  
32 Survivor's Committee, however, I speak to you today as an individual. Archbishop,  
33 I've heard you tell the story that you received your calling to become a priest while  
34 at a college retreat. My last experience at a Catholic retreat was when one of the  
35 priests from my Catholic high school attempted to rape me when I was 16. Our  
36 difference experiences at a retreat shape both of our lives, and it has brought you



1 somebody. These complaints are within the universe of accusations that could be  
2 sent to the Internal Review Board?

3 **CORDILEONE:** Yes.

4 **STANG:** Okay. So, before something goes to the Internal Review Board, is there someone  
5 who makes a determination as to the credibility of the claim? Because it sounded  
6 like you were -- it suggested to me that someone's looking at this to determine if it's  
7 manifestly unfounded, I think was the phrase you used earlier in your statement. Is  
8 there someone screening that before it goes to the Internal Review Board?

9 **CORDILEONE:** It automatically goes to the Internal Review Board and going through our  
10 legal counsel, or victim's assistance coordinator, the usual first point of contact.

11 **STANG:** So any accusation of child sex abuse that comes into the Archdiocese goes to the  
12 Internal Review Board? There's no filter before it goes to them; is that correct?

13 **CORDILEONE:** Correct.

14 **STANG:** So, you said that in the 11 years of your service as the Archbishop, you've not yet  
15 received a credible accusation against a priest. Did I get that right?

16 **CORDILEONE:** So far, correct.

17 **STANG:** Okay. I'll try to keep it up. Since you became Archbishop, how many investigation  
18 -- how many cases have been submitted to the Internal Review Board?

19 **CORDILEONE:** Let's say there's been accusations in which we've had to conduct an  
20 investigation, maybe seven, I believe, maybe eight. Seven I could think of offhand.

21 **STANG:** Okay. I'm sorry, Archbishop. I have to come back to something I was asking you  
22 about earlier. You just said "that we've had to conduct," "investigations that we've  
23 had to conduct." My understanding is that whatever accusation comes in goes to  
24 the Internal Review Board.

25 **CORDILEONE:** Yes.

26 **STANG:** So -- okay. I want to make sure that that -- your comment about how to conduct it  
27 implies some kind of filter before it went to them.

28 **CORDILEONE:** When I say "conduct an investigation," "we conduct an investigation," I  
29 mean the Independent Review Board discusses it and then hires a professional  
30 investigator to conduct the investigation. That's what I -- that's what I mean when I  
31 say "we conduct the investigation." I mean it's under the direction of the  
32 Independent Review Board.

33 **STANG:** Got it. And who is the "we" in that "we conduct the investigation?"

1 **CORDILEONE:** The Independent Review Board. So, an accusation is made.

2 **STANG:** Yes.

3 **CORDILEONE:** Some official in the chancery office, it could be our legal counsel, victim's  
4 assistance coordinator, as I had said, and then we review it, present it the  
5 Independent Review Board and, again, if the facts at least line up, then the priest  
6 informed he has to stay out of ministry while we conduct the investigation. "We"  
7 being the internal Independent Review Board advised me that an investigation  
8 needs to be conducted.

9 **STANG:** Okay.

10 **CORDILEONE:** And then the Board will identify an investigator to do that.

11 **STANG:** Got it. All right. Thank you. That's helping me understand the process a little  
12 better. Who appoints the members of the Internal Review Board?

13 **CORDILEONE:** I do.

14 **STANG:** And of the, I think there are five members, if I remember correctly, who has had the  
15 short -- who is the shortest seniority, I mean, how recently is the last appointee  
16 appointed?

17 **CORDILEONE:** Oh, I think it's -- I think two years ago.

18 **STANG:** Got it.

19 **CORDILEONE:** Is it okay if I ask someone in the room who may know the answer?

20 **STANG:** Sure. Thank you.

21 **CORDILEONE:** Yeah, that's right. I was reminded. There's one who just started recently  
22 this year.

23 **STANG:** And who is that? By the way, their names are public. They're on your website, so  
24 I'm not invading anyone's privacy by asking you that.

25 **CORDILEONE:** His name is Paul. He's the survivor on the --

26 **STANG:** Right. All right. I know his last name. So, thank you. Does the Internal Review  
27 Board have any role in reviewing the child protection policies of the Archdiocese?

28 **CORDILEONE:** Yes.

29 **STANG:** And how often does the Internal Review Board review those policies?

30 **CORDILEONE:** We would review those policies usually after we're audited, and if there  
31 are suggestions that are made, we would review it then. For example, one thing

1 **CORDILEONE:** Yes.

2 **STANG:** Okay. There were a lot of questions that I asked last time about whether the  
3 Archdiocese maintains a list of credibly accused priests. Do you have -- can you  
4 provide me today a definition of what this Archdiocese -- how this Archdiocese  
5 defines "credibly accused?"

6 **CORDILEONE:** As you know, that's not a category in law, so different -- I've heard  
7 different theories as to what "credibly accused" means. I try not to use that term  
8 and rather use a term "sustained" or "not sustained."

9 **STANG:** Does the term -- I'm sorry, Archbishop.

10 **CORDILEONE:** No, go ahead.

11 **STANG:** I apologize. I thought you were --

12 **CORDILEONE:** Go ahead.

13 **STANG:** Well, does the Internal Review Board, when they report to you the outcome of an  
14 investigation, you said there have been some during your tenure, what do they say?  
15 Do they say "This accusation is sustained," "This accusation is not sustained?" Is  
16 that how the phrase their report to you?

17 **CORDILEONE:** Yes.

18 **STANG:** Okay. Does the Archdiocese have a list of clergy who are -- where the Internal  
19 Review Board has made a determination that the accusation is sustained?

20 **CORDILEONE:** We know which ones those are. Yeah, we have our own lists.

21 **STANG:** Okay. Is it important to the Catholic community of the Bay area that there be a  
22 consistent standard treatment of abuse claims, say example Santa Rosa, Oakland, or  
23 San Francisco. Do you think it's important that there be a standard approach to how  
24 abuse claims are addressed?

25 **CORDILEONE:** Well, within the church we do have a standard approach.

26 **STANG:** Okay.

27 **CORDILEONE:** We have the, you know, policies of the Charter for the Protection of  
28 Children and Young People. Our Dioceses follow those procedures.

29 **STANG:** Right. So, the Diocese of Santa Rosa publishes, and I don't know if they use the  
30 term "sustained" or "credibly accused." I'll stick with your terminology. They have  
31 published -- I'm sorry, it has published a list of sustained -- subjects of sustained  
32 accusations. The Diocese of Oakland has done that, and I may have said it while  
33 you were still on the phone last time, every Diocese in California has done it except

1 for the Archdiocese of San Francisco. Can you tell me why the Archdiocese of San  
2 Francisco has not published the list of sustained -- a list of the names of those who  
3 have sustained accusations?

4 **CORDILEONE:** We publish a list of the names of priests and deacons in good standing  
5 with faculties in the Archdiocese. So, if anyone has a question about someone  
6 presenting himself as a priest or a deacon, they can check the list to see if that name  
7 is on the list.

8 **STANG:** I understand that list exists, and I've looked at it. Can you tell me why the  
9 Archdiocese of San Francisco has not published the names of those who are the  
10 subject of sustained accusations?

11 **CORDILEONE:** I don't -- nobody's given me a reason why -- what -- a reason for doing so.  
12 The most important thing is that our young people are being protected and that  
13 those who abuse are kept out of ministry. We're doing that.

14 **STANG:** I agree with you that that is if not the most important thing, very close to the most  
15 important thing. But if I were the subject of sexual abuse by a priest in the  
16 Archdiocese, do you think it is relevant at all to my healing to know whether the  
17 Archdiocese has sustained accusations against my perpetrator?

18 **CORDILEONE:** Yes.

19 **STANG:** How do I know that?

20 **CORDILEONE:** The name is not on our list of priests and deacons in good standing. And I  
21 haven't been involved in these investigations in the past. If I were to be in an  
22 investigation now, certainly the survivor would be informed of that.

23 **STANG:** If my perpetrator were dead, he wouldn't be on the list, would he?

24 **CORDILEONE:** That depends.

25 **STANG:** Well, the ministers who are in good standing that you publish are all alive, aren't  
26 they?

27 **CORDILEONE:** Oh, that list. That's correct.

28 **STANG:** So, I wouldn't know because my perpetrators are deceased. I wouldn't know if any  
29 accusation had been sustained against him? There's a question mark at the end of  
30 that sentence.

31 **CORDILEONE:** Oh, I see. A survivor could obtain that information by contacting our  
32 victim assistance coordinator.

1 I hereby certify that the foregoing is a true and correct transcription of the audiotape labeled  
2 10-12-23 JB RECORDING.

3

4 10/31/2023  
5 DATE


6

Carol Holmes  
Printed Name

7

8

9

  
Signature

# EXHIBIT 3

1 UNITED STATES BANKRUPTCY COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA

3 -oOo-

4 In Re: ) Case No. 4:23-bk-40523  
 ) Chapter 11  
 5 THE ROMAN CATHOLIC BISHOP OF )  
 OAKLAND ) Oakland, California  
 6 ) Wednesday, July 19, 2023  
 Debtor. ) 1:30 PM  
 7 )

8 MOTION FOR AN ORDER  
 9 AUTHORIZING AND APPROVING  
 SPECIAL NOTICING AND  
 CONFIDENTIALITY  
 10 PROCEDURES (DOC. 6). CONT'D  
 FROM 5/9/23, 5/23/23, 6/6/23,  
 11 6/20/23, 7/18/23

12 MOTION OF THE DEBTOR FOR AN  
 ORDER ESTABLISHING DEADLINES  
 13 FOR FILING PROOFS OF CLAIM  
 AND  
 14 GRANTING RELATED RELIEF (DOC.  
 181). CONT'D FROM 7/18/23

15 TRANSCRIPT OF PROCEEDINGS  
 16 BEFORE THE HONORABLE WILLIAM J. LAFFERTY  
 UNITED STATES BANKRUPTCY JUDGE

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24 Proceedings recorded by electronic sound recording;  
25 transcript provided by transcription service.



**The Roman Catholic Bishop Of Oakland**

3

1 OAKLAND, CALIFORNIA, WEDNESDAY, JULY 19, 2023, 1:32 PM

2 -oOo-

3 (Call to order of the Court.)

4 THE CLERK: Yes, Your Honor. Calling line

5 (Whereupon these proceedings were concluded at 2:37 PM)

6 item number one for the Roman Catholic Bishop of Oakland. Case  
7 Number 23- 40523.

8 THE COURT: Okay. Why don't we do appearances on this  
9 side of the room first.

10 MS. UETZ: Good afternoon, Your Honor. Ann Marie Uetz  
11 of Foley & Lardner for the debtor.

12 MR. MOORE: Mark Moore, Foley & Lardner on behalf of  
13 the debtor.

14 THE COURT: Okay.

15 MS. ALBERT: Good afternoon, Your Honor. Gabrielle  
16 Albert, on behalf of the Creditors Committee. And I have with  
17 me Jeff Prol, Bert Weisenberg, and Colleen Restel.

18 THE COURT: Okay.

19 MS. ALBERT: And Ms. Restel will be taking over the  
20 argument today on behalf of the committee.

21 THE COURT: Okay. Go ahead.

22 MR. PLEVIN: Good afternoon, Your Honor. Mark Plevin  
23 on behalf of Continental Casualty Company.

24 MR. SCHIAVONI: Your Honor, Tancred Schiavoni from  
25 O'Melveny for Pacific. And my colleague, Emma Jones.

**The Roman Catholic Bishop Of Oakland**

4

1 THE COURT: Okay.

2 MR. SCHIAVONI: Also from O'Melveny.

3 THE COURT: And on the screen, the Zoom folks. Go  
4 ahead.

5 MR. LEE: Good afternoon, Your Honor. Matt Lee of  
6 Foley & Lardner, appearing for the debtor.

7 THE COURT: Okay.

8 MR. BLUMBERG: Good afternoon, Your Honor. Jason  
9 Blumberg for the United States Trustee.

10 THE COURT: Okay. Anybody else speaking? No.

11 THE CLERK: These are the only appearances for our  
12 case.

13 UNIDENTIFIED SPEAKER: Your Honor, there may be a  
14 colleague of mine on it. But I've told them not to appear  
15 because he's not going to speak.

16 THE COURT: Okay. Gee, what's new? Right? I  
17 listened to some of the hearing this morning, although I had to  
18 leave before anything decreed happened. So I, for the record,  
19 I offered to put this off. Everybody needs to go get a  
20 sandwich or something that I was told that it was more  
21 important that we start and end so people could make airport  
22 schedules and such. So I'm deferring to you guys on that one.  
23 Okay? All right. So I think we have two big categories to  
24 talk about, right?

25 MS. UETZ: Hopefully, yes.

1 MS. UETZ: We will resubmit with that revision.

2 THE COURT: I Appreciate it. Okay. What else did we  
3 have?

4 MS. UETZ: I have nothing further for Your Honor  
5 today.

6 THE COURT: How about the confidentiality issues we  
7 talked about yesterday?

8 MS. UETZ: We await your ruling on that, Your Honor.

9 THE COURT: You want it now?

10 MS. UETZ: Please.

11 THE COURT: Okay. Thank you all for your very good  
12 arguments. What I find difficult about this is -- and I  
13 sometimes tell people who work with me that the hard part of  
14 this job is rarely the answer. The answer, once you figured  
15 out the question, the answer is usually pretty obvious. That's  
16 not the hard part. The hard part is squaring the question so  
17 that if people don't appear to be talking about the same thing,  
18 you can come up with an approach that acknowledges that, gives  
19 appropriate respect and deference to arguments that are really  
20 sometimes ships passing in the night in some ways for a whole  
21 bunch of reasons, and come up with something that is  
22 notwithstanding responsive to the issues raised. This is one  
23 of those situations in the sense that there are there is a  
24 seminal ninth Circuit case that I think you cannot read it  
25 other than to say it assumes certain things that might

1 otherwise need to be proven.

2 Which is what, number one, is there any intellectual  
3 or doctrinal competition anymore between what's set forth in  
4 Section 107 and other common law doctrines and other sources of  
5 protection for privacy or reputational matters? And what the  
6 Ninth Circuit seemed to say is no, 107 is 107. It covers the  
7 field. It also says there are remarkable things that certain  
8 kinds of accusations are, by their nature, scandalous. So  
9 therefore, when we find those, we're going to be protective.  
10 It doesn't say exactly where and how you have to find them,  
11 which is part of the problem. That case, as I think Mr.  
12 Weisenberg told me eloquently yesterday, and he's right, is a  
13 case in which there were specific references to specific  
14 documents. There was testimony, and there were things that  
15 emanated from the testimony that clearly checked every box. So  
16 in that sense, it was a relatively easy case for the Ninth  
17 Circuit.

18 And let me pause there and say that is one avenue to  
19 explore and to think about when we're trying to figure out  
20 whether it's appropriate to grant the relief that the debtor is  
21 asking for. And I'll come back to the relief in a second. The  
22 other is clearly there is overlap here in that these issues  
23 emanate from a different system. That is a system by which the  
24 California legislature has taken some care to be protective in  
25 its own right. And there are protocols, and there are

1 regulations, and there are safeguards there in that I don't  
2 want to disrespect, but I'm not entirely sure to what extent  
3 they're necessarily relevant. And I'll come back to that in a  
4 second, because what the Ninth Circuit seems to tell me as  
5 we're talking about what happens in a bankruptcy case. This is  
6 your lane, Judge. So in some ways, this is a little  
7 discordant. It feels odd that I would not be perhaps more  
8 invested in what the State courts are going to do than I think  
9 I might need to be. But there it is. I think that's -- the  
10 Father M case sort of leaves that is an open question.

11 I take Mr. Weisenberg's point that the Father M case  
12 certainly focused on documents, and accusations, and very  
13 specific sets of difficult facts that are not presented in  
14 exactly the same way here. I don't find that to be an  
15 impediment because -- and I if I'm overstating this, this would  
16 be argument one in somebody's appeal -- there is simply so much  
17 this is such a known quantity now. Unfortunately, this problem  
18 has been percolating around the country, unfortunately. There  
19 are thousands of individuals who've been horribly impacted by  
20 bad acts. Now, further, unfortunately, there are some  
21 individuals who've been accused of those bad acts whose  
22 liability is unknown and highly uncertain. So that leads to a  
23 lot of uncertainty about ultimate liability. It doesn't lead  
24 to uncertainty about what this is about.

25 And there's no doubt what this is about. This is

1 about whether naming somebody publicly in the context of a  
2 bankruptcy case, in the context of somebody says they were  
3 molested by that person, sufficiently falls under what the  
4 Court was worried about in Father M. In my instinct is it  
5 does, because there just is no doubt what this is about. And  
6 there's no doubt in my mind as to how that would cause  
7 reputational damage. The very fact that -- I mean, it's  
8 somewhat poignant that one of these individuals, when accused  
9 of that, maybe their lawyer would have told them, for heaven's  
10 sake, don't say anything. And that was that was something they  
11 couldn't avoid doing. They couldn't avoid saying, I never and  
12 this is outrageous, et cetera, et cetera.

13 So the first point is to the level of evidentiary  
14 support. I think that is overcome by a realistic assessment of  
15 what the controversy is here, and what the debtor's looking  
16 for. Which is simply to protect a couple of names in a  
17 situation where it's clear what the accusation is, although the  
18 details are not necessarily in front of us yet. And it's even

19 clear what the reputational affect that would be. What I think  
20 the Ninth Circuit's also telling me, at least implicitly, is  
21 we're telling you how to act in the bankruptcy case, Judge.  
22 This is a court of extremely limited jurisdiction, and it's not  
23 your job to tell state courts what to do. It's not your job to  
24 tell parties who are not in front of you what to do. It is  
25 your job to protect within the context of your case privacy,

1 confidentiality, protections against dissemination of  
2 potentially scandalous information.

3 So that leads me to think that that is something I  
4 need to look at independently. So I think that leads me to the  
5 conclusion that I should grant the motion. I will come back in  
6 a second -- I'll come back right now, to what is the effect of  
7 the information having been made public. My instinct is I may  
8 well, as I think you use the phrase, I may be informed by  
9 something that the State court does. And at the moment, what I  
10 understand is from the debtors perspective and certainly from  
11 the accused press perspective, that dissemination, to the  
12 extent it was even in official pleadings, was wrongful. I went  
13 back and had a look at what the proposed corrective action is,  
14 the proposed corrective action is a little bit ambiguous to me  
15 because I think it's a motion to seal and how the State court  
16 will look at a motion to seal after fact, I don't know.

17 But they may say all kinds of things that are very  
18 interesting, but one way or the other, that is for them to fix  
19 and they'll fix it whatever way they want. If that if anybody  
20 thinks that fix changes the result that I'm coming to today,  
21 they can tell me that that. That I'm over my skis or whatever  
22 the right term would be. That I've done something that is  
23 overbroad or is unnecessary because the State courts indicated  
24 some relief is appropriate there. And I I should, if not be  
25 precluded by that, I should be informed by that. I'm open to

1 that. And they'll do whatever they're going to do. But I do  
2 think that the father case is instructive to me that, with  
3 respect to this system, I should keep that information  
4 confidential. And the fact that it has been disseminated to  
5 some degree doesn't change that for me, because I think the  
6 further dissemination in the course of something is otherwise  
7 public as a bankruptcy case and potentially notorious as a  
8 bankruptcy case has its own detriment. And I'm going to agree  
9 to that, at least indirectly, that is what the Father M case  
10 tells me.

11 So all of this is now, I will concede something that  
12 Mr. Weisenberg also said, which is this is a little bit  
13 amorphous. So at the moment I'm making this ruling because I  
14 think that's the direction I'm told to go by the Ninth Circuit,  
15 to be especially protective in this realm, in this context. It  
16 doesn't mean that something couldn't change tomorrow and then  
17 this would be improvident or unnecessary. So this ruling is  
18 for today.

19 It's with respect to information that is out there in  
20 one form, not in another. It's not yet out in this form. So  
21 I'm protecting this form, not any other. It's not my job to  
22 protect any other. If anybody thinks that whatever the State  
23 court does, when they get around to ruling on a motion to seal  
24 or whatever, it's going to be as relevant, I'll be all ears.  
25 Either side. Okay. But for today's purposes, I think the



1 better result here is that I protect this information in this  
2 form the way I think the Ninth Circuit told me to. Okay. So  
3 the motion is granted without -- if you want to just say, for  
4 the reasons stated on the record, say so. All right.

5 MS. UETZ: Yes, Your Honor. Thank you.

6 THE COURT: And by the way, and thank you to all of  
7 you for your good arguments and for reminding me of -- and I  
8 don't mean to be flip by this, the passion behind the different  
9 positions here. I am enormously respectful of that. And there  
10 is no way to square some things in this case. There just  
11 isn't. So thank you, all of you, for your wonderful arguments  
12 and I look forward to many wonderful arguments from you in the  
13 future. Okay.?

14 MS. UETZ: Thanks, Your Honor.

15 THE COURT: Okay. You're welcome. All right.  
16 (Indiscernible). We're done. Okay. Thank you.

17 (Whereupon these proceedings were concluded)  
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## C E R T I F I C A T I O N

I, Raven Wood, certify that the foregoing transcript is a true  
and accurate record of the proceedings.

Raven Wood

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/s/ RAVEN WOOD

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Date: July 23, 2023